

Serial No. 10/657,524

Amdt. in Response to Office Action mailed Jan. 11, 2010

UTILITY PATENT

B&D No. TN3481

REMARKS

Applicant would like to extend his sincere thanks to the Examiner for conducting a telephone interview with Applicant's attorney on May 10, 2010. The following remarks address the issues raised in the Office Action and during the interview.

Applicant has amended Claims 1 and 4 and canceled Claims 2-3.

Currently pending in the application are Claims 1, 4-9 and 17-18.

The Examiner rejected Claims 1, 6-9 and 18 under 35 USC § 103(a) as being unpatentable over EP 0 752 300 ("EP '300") in view of US Patent No. 6,279,442 ("Chang '442"), US Patent No. 6,513,412 ("Young") or US Publication No. 2003/0213350 ("Chang '350"). Reconsideration and withdrawal of these rejections are respectfully requested.

EP '300 discloses a base for supporting a workpiece, a saw assembly connected to the base, and a fence assembly attached to the base and disposed to one side of the blade, the fence assembly comprising a fixed fence fixedly attached to the base and disposed on the one side of the blade, the fixed fence having a front portion, a rear portion with a substantially horizontal support surface and a channel between the front and rear portions, and a movable fence slidably connected to and removably connected to the fixed fence and disposed on the one side of the blade, the movable fence being linearly movable horizontally relative to the fixed fence along the channel, the movable fence defining a first support plane, at least one of the fixed fence and the movable fence for contacting the workpiece.

The Examiner has called housing 40 as the auxiliary fence. Accordingly, Applicant has amended Claim 1 to explicitly define that "the auxiliary fence remains stationary during

Serial No. 10/657,524

Amdt. in Response to Office Action mailed Jan. 11, 2010

UTILITY PATENT

B&D No. TN3481

movement of the table." Because housing 40 moves when table 14 rotates, housing 40 cannot be the claimed auxiliary fence.

Accordingly, EP '300 cannot render unpatentable Claim 1 and its dependent claims.

Furthermore, Chang '442, Young and Chang '350 do not show an auxiliary fence. Therefore, no reference teaches or suggests the claimed auxiliary fence.

In view of the foregoing, Claims 1, 4-9 and 17-18 are patentable and the application is believed to be in condition for formal allowance.

The Commissioner is authorized to charge payment of a one-month extension fee (\$130.00), as well as any other fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



Adan Ayala
PTO Reg. No. 38,373
Attorney for Applicant

Adan Ayala - TW-199
The Black & Decker Corporation
701 East Joppa Road
Towson, Maryland 21286
(410) 716-2368